

House File 366 - Introduced

HOUSE FILE _____
BY GAYMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing time off to attend presidential precinct caucuses
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2373HH 83
5 ec/nh/8

PAG LIN

1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
1 4 the privilege conferred by section 43.4 to attend a precinct
1 5 caucus, or subjecting an employee to a penalty or reduction of
1 6 wages because of the exercise of that privilege.
1 7 Sec. 2. Section 43.4, Code 2009, is amended by adding the
1 8 following new unnumbered paragraph:
1 9 NEW UNNUMBERED PARAGRAPH. Any person entitled to
1 10 participate in a precinct caucus held as part of the
1 11 presidential nominating process in this state who is required
1 12 to be present at work for an employer during the three-hour
1 13 period starting thirty minutes prior to the time the precinct
1 14 caucus starts is entitled to such time off from work to
1 15 participate in the precinct caucus. Application by any
1 16 employee for such absence shall be made to the employee's
1 17 employer individually and in writing prior to the date of the
1 18 precinct caucus, and the employer shall designate the period
1 19 of time to be taken. The employee is not liable for any
1 20 penalty nor shall any deduction be made from the person's
1 21 regular salary or wages on account of such absence. This
1 22 paragraph shall not apply if the person is employed in a
1 23 position in which the absence of the person from work would
1 24 affect public health or safety.

EXPLANATION

1 26 This bill provides that a person shall be entitled to time
1 27 off from work to attend a presidential precinct caucus for
1 28 three hours beginning 30 minutes prior to the start of the
1 29 precinct caucus. The bill provides that the employee shall
1 30 make a written application with their employer for such
1 31 absence and the employee is not liable for any penalty nor
1 32 shall any deduction be made from the person's regular salary
1 33 or wages on account of such absence. The bill provides that
1 34 the requirement to allow time off does not apply if the person
1 35 is employed in a position in which the absence of the person
2 1 from work would affect public health or safety.

2 2 The bill provides that an employer who denies an employee
2 3 the privilege conferred by this bill to attend a presidential
2 4 precinct caucus commits election misconduct in the fourth
2 5 degree, a simple misdemeanor. A simple misdemeanor is
2 6 punishable by confinement for no more than 30 days or a fine
2 7 of at least \$65 but not more than \$625 or by both.

2 8 LSB 2373HH 83
2 9 ec/nh/8